

### **REMARKS**

This amendment is in response to the Office Action mailed May 28, 2003. Claims 15-17, 29, 30 and 32-42 were outstanding in the Office Action. Original claims 1-31 were subjected to a Restriction Requirement under 35 USC 121, in a letter mailed July 15, 2002. In an Office Action dated September 11, 2002, the Examiner treated claims 1-31, and apparently withdrew the Restriction Requirement. In the latest Office Action, claims 29, 30, 36-38 and 40-42 were rejected in view of the prior art. Claim 32 was rejected under 35 USC 112, second paragraph, but was not rejected based on the prior art. Claim 32 has been amended to overcome the rejection under 35 USC 112, second paragraph, and accordingly, is believed to be in condition for allowance. Claims 15-17, 33-35 and 39 were indicated as being allowable. New claims 43-47 are submitted for consideration by the Examiner. The applicant respectfully submits his appreciation for his indication of such claims being allowable. Applicant respectfully requests that the above-identified application be reconsidered in view of the above amendments and remarks, which follow, and that each of the presently pending claims be allowed and the application be passed to issue.

#### **35 USC 112 Rejections**

Claims 32 and 36 stand rejected under 35 USC 112 for indefiniteness. Claims 32 and 36 have been amended in order to overcome the rejection under 35 USC 112.

#### **35 USC 102 Rejections**

Claims 41 and 42 have been canceled without prejudice in an effort to expedite the allowance of this application. Applicant reserves the right to raise arguments to such rejection in any subsequent prosecution of claims including these limitations.

#### **35 USC 103 Rejections**

Claims 29, 30, 36-38 and 40 stand rejected by the Examiner under 35 USC 103 as being unpatentable over Rodondi et al.

Claims 29 and 40 recite that the dimples/surface on the exterior of the retainer projects about 15%-30% of the thickness of the thickness retainer. The Examiner avers that it would have been obvious to design the length of projection to be about 15%-30% of the thickness of said retainer "since this allows for various diameter mating sockets to be used." Similarly, the Examiner employs the same motivational reasoning "allows for various

diameter mating sockets to be used” to reach the conclusion that it would have been obvious to meet the limitations of claims 36 and 37 that recite the dimples extend about .007-.020 inches and the dimple diameter of .06-.10 inches. It is unclear how having a dimple within the range of 15-30 percent of the thickness of the sleeve would allow for the sleeve to fit in sockets having different diameters. For instance, if the diameter of the socket is greater than the amount than the retainer width from dimple to dimple, then the retainer dimples would not contact a socket of such a dimension. The width of the retainer or length of the dimples would have to be increased. The Examiner is requested to clarify how modifying ‘867 “allows for various diameter mating sockets to be used.”

Upon inspection of figure 10 in Rodondi et al. ‘867, the outwardly protruding dimples 226 appear to extend outward at least 50% of the thickness of the retainer. The dimples in ‘867 are positioned on longitudinal beams 18. The dimples in ‘867 biasingly engage a mating terminal when the electrical sleeve is mated with the terminal, see column 1, lines 53-59, and column 4, lines 6-16. The objective of the ‘867 patent is to improve the contact of each interface between the socket and sleeve in comparison to the prior art, see column 1, lines 10-23. The Examiner suggests that it would have been obvious to design the dimples to be between 15%-30% of the thickness of the retainer. The applicant believes that such a modification would increase the likelihood of one of the dimples making poorer contact with the socket, since a dimple of such a small dimension is not as likely to abut against the wall of a socket as the larger dimples shown in Figure 10 of ‘867. The larger the dimples, the greater the bias toward the socket surface and improved quality contact.

The Examiner has no teaching that suggests making a dimple within the range of 15-30 percent of the thickness of the sleeve or dimples extending about .007-.020 inches and the dimple diameter of .06-.10 inches. The Rondondi et al. patent discloses a nonanalogous sleeve that is for making electrical connections. There is no suggestion to modify Rondondi et al. It is respectfully submitted that the Examiner is using impermissible hindsight.

Claims 29, 30, 36-38 and 40 stand rejected by the Examiner under 35 USC 103, as being unpatentable over Steinke.

With respect to claims 29 and 40, both claims recite a "retainer." The Steinke patent discloses a cushioning handgrip 10 that is constructed from a polymer having a viscoelastic property. It is unclear how the handgrip is deemed to be a retainer. The handgrip is fixed to the external surface of a bicycle handle bar. A retainer is something that retains as defined in "The Random House College Dictionary," revised edition, Jess Stein, editor in chief. It is respectfully submitted that Steinke does not disclose a retainer. The handgrip does not fasten anything to the bicycle handle bar.

Claim 29 recites an outward projecting "dimple." The Examiner avers that the bumps at 17 in Steinke meet this claimed limitation. The applicant illustrates the dimple 46 in figure 10. The illustration of a dimple is in accordance with the definition of the term attributed to "The Random House College Dictionary," revised edition, Jess Stein editor in chief. On page 373 of the Random House College Dictionary, a dimple is defined as a hollow area, slight depression, or in metalworking, to dent (a metal sheet) so as to permit use of bolts or rivets with countersunk heads. The structure the examiner refers to as dimples are not dimples, as this term is known in the art. Further, it would not have been obvious to form these protrusions by dimples.

The Examiner has no teaching that suggests making a dimple within the range of 15-30 percent of the thickness of the sleeve or dimples extending about .007-.020 inches and the dimple diameter of .06-.10 inches. The Steinke patent discloses a nonanalogous art, a handgrip for a bicycle completely unrelated to a retainer. There is no suggestion to modify Steinke to include dimples or to use a handgrip as a retainer. It is respectfully submitted that the Examiner is using impermissible hindsight.

In view of the above amendments and comments, it is believed that claims 15-17, 29, 30, 32-40 and 43-47 are patentable over the art of record. Thus, applicant respectfully requests a Notice of Allowance indicating claims 15-17, 29, 30, 32-40 and 43-47 as being allowable. If for any reason the Examiner does not believe that the application is in condition for allowance, the Examiner is requested to telephone applicant with any comments or questions (724-539-3848) in order to expedite prosecution of the application.

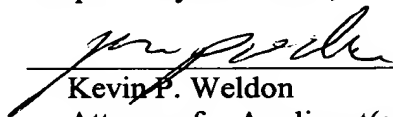
The Commissioner is hereby authorized to charge any fees, including additional filing fees required under 37 CFR 1.16 and 1.17, and fees for extension of time of

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Amdt. dated October 28, 2003  
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two months, in connection with this submission to Kennametal Inc.-AMSG corporate  
Deposit Account No. 502832.

Respectfully submitted,

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